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OFFICE OF PETITIONS

In re Application of :
Vetterli et al. :
Application No. 10/680,833 :
Filed: October 7, 2003 :
Title: SAMPLING METHOD, :
RECONSTRUCTION METHOD, AND :
DEVICE FOR SAMPLING AND/OR :
RECONSTRUCTING SIGNALS :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 19, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition, under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (1). The Office recognized submission of the Oath/Declaration and the late surcharge. However, the Notice to File Missing Parts mailed on December 31, 2003, also required payment of additional claim fees. Payment of the fees will result in revival of the instant patent application.

Further correspondence with respect to this matter should be addressed as follows:


By mail: Mail Stop PETITIONS
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By hand: Customer Window located at:

U.S. Patent and Trademark Office
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Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions